

## **REMARKS**

In response to the Final Office Action mailed on June 25, 2008, the Applicants respectfully request reconsideration in view of the following remarks. In the present application, claims 1 and 18 have been amended. Support for the amendments can be found in the specification at least on page 9, lines 23-29 and page 11, line 28-page 12, line 4. No new matter has been added.

Claims 1-3, 5-20, and 22-28 remain pending in the application. In the Final Office Action:

1. Claims 1, 3, 11-15, 17, 18, 20, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino et al. (U.S. Patent No. 6,424,629, hereinafter “Rubino”) in view of Coile et al. (U.S. Patent No. 6,108,300, hereinafter “Coile”);
2. Claims 2 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino in view of Coile and further in view of Bruno et al. (U.S. Patent No. 5,894,475, hereinafter “Bruno”);
3. Claims 5 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino in view of Coile and further in view of Hsing et al. (U.S. Patent No. 6,167,025, hereinafter “Hsing”);
4. Claims 6 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino in view of Coile and Shimizu (U.S. Pat. Pub. No. 2007/0168200, herein after “Shimizu”);
5. Claims 7 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino in view of Coile and further in view of Haugli et al. (U.S. Pat. Pub. No. 2004/0125776, hereinafter “Haugli”);
6. Claims 8, 9, 25, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino in view of Coile and further in view of Bryenton (U.S. Patent. No. 6,826,184, hereinafter “Bryenton”); and
7. Claims 10, 16, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino in view of Coile and further in view of Ashton et al. (U.S. Patent No. 6,181,679, hereinafter “Ashton”).

### **Claim Rejections - 35 U.S.C. §103(a)**

Claims 1, 3, 11-15, 17, 18, 20, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino in view of Coile. The rejection of these claims is respectfully traversed.

Amended claim 1 specifies a method for automatically tracking the rerouting of logical circuit data in a data network. The method includes generating current reroute statistics upon the rerouting of logical circuit data from one or more failed logical circuits to one or more logical failover circuits in the data network, the current reroute statistics including trap data received for the one or more failed logical circuits in the data network, wherein the trap data includes a committed information rate or a committed burst size; generating a table for presenting the current reroute statistics without manual intervention; generating updated rerouted statistics, the updated reroute statistics including updated trap data received for the one or more failed logical circuits in the data network, wherein generating updated rerouted statistics comprises detecting a change in the status of the logical circuit by determining if a frame has been dropped, where the frame is dropped when the committed information rate or the committed burst size has been exceeded; and updating the table with the updated reroute statistics without manual intervention wherein the current reroute statistics comprise trap data generated in real-time and communicated to a logical element module and not stored in switches that generated the trap data, and wherein each of the one or more failed logical circuits and each of the one or more logical failover circuits in the data network is identified by a logical circuit identifier that is renamed until the one or more failed logical circuits has been restored.

It is respectfully submitted that the combination of Rubino and Coile fails to teach, disclose, or suggest each of the features specified in amended claim 1. For example, the aforementioned combination fails to disclose wherein generating updated rerouted statistics comprises detecting a change in the status of the logical circuit by determining if a frame has been dropped, where the frame is dropped when the committed information rate or the committed burst size has been exceeded.

In contrast, Rubino merely discusses updating a routing table. For example, a first protocol layer logic determines when communication over a failed logical connection is restored. See col. 4, lines 52-54. In Rubino, when the communication is restored, the first protocol layer logic triggers a routing table update by sending a signal to a second protocol layer logic indicating that the logical connection is restored. See col. 4, lines 54-57.

Consequently, Rubino discusses updating a routing table upon restoring communication, and thus fails to teach or disclose detecting changes in a status to determine if a frame has been dropped due to a committed information rate or a committed burst size being exceeded. Rather Rubino is silent regarding detecting changes in a status to determine if a frame has been dropped.

Coile fails to overcome Rubino's deficiencies. In contrast, Coile merely discusses transferring a network function from a primary network device to a backup network device. See col. 4, lines 5-7. Coile further discusses detecting at the backup network device that the primary network device has failed. See col. 4, lines 7-8. The backup network device then sends a message to the primary network device indicating to the primary network device that the primary network device has failed. See col. 4, lines 8-11. In Coile, the IP address of the backup network device changes from a standby IP address to an active IP address, and the IP address of the primary network device changes from the active IP address to the standby IP address. See col. 4, lines 11-15.

Consequently, Coile discusses transferring a network function from a primary device to a backup device and thus fails to teach or disclose detecting changes in a status to determine if a frame has been dropped due to a committed information rate or a committed burst size being exceeded. Rather Coile is silent regarding detecting changes in a status to determine if a frame has been dropped.

Thus, based on the foregoing, amended claim 1 is allowable over the combination of Rubino and Coile and the rejection of this claim should be withdrawn. Claims 2, 3, and 5-17 depend from amended claim 1, and are thus allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn.

Amended independent claim 18 specifies similar features as amended claim 1 and thus is allowable over Rubino and Coile for at least the same reasons. Based on the foregoing, the combination of Rubino and Coile fails to teach, disclose, or suggest each of the features specified in claim 18. Therefore, claim 18 is allowable and the rejection of this claim should be also withdrawn. Claims 19, 20, and 22-28 depend from amended claim 18, and are thus allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn.

#### **Claim Rejections - 35 U.S.C. §103(a)**

Claims 2 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino in view of Coile and further in view of Bruno. The rejection of these claims is respectfully traversed.

Claims 2 and 19 depend from amended claims 1 and 18, respectively, and are thus allowable for at least the same reasons. As stated above the combination of Rubino and Coile fails to teach or disclose detecting changes in a status to determine if a frame has been dropped due to a committed information rate or a committed burst size being exceeded. In addition, Bruno fails to overcome Rubino and Coile's deficiencies. For example, Bruno merely discusses collecting billing information for input into a billing system. See col. 1, line 66-col. 2, line 6. Therefore, the rejection of these claims should also be withdrawn.

### **Claim Rejections - 35 U.S.C. §103(a)**

Claims 5 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino in view of Coile and further in view of Hsing. The rejection of these claims is respectfully traversed.

Claims 5 and 22 depend from amended claims 1 and 18, respectively, and are thus allowable for at least the same reasons. As stated above the combination of Rubino and Coile fails to teach or disclose detecting changes in a status to determine if a frame has been dropped due to a committed information rate or a committed burst size being exceeded. In addition, Hsing fails to overcome Rubino and Coile's deficiencies. For example, Hsing merely discusses that the re-route set message includes a call identifier, a source switch identifier, and a destination switch identifier for the call being re-routed. See col. 15, lines 6-10. Therefore, the rejection of these claims should also be withdrawn.

### **Claim Rejections - 35 U.S.C. §103(a)**

Claims 6 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino in view of Coile and Shimizu. The rejection of these claims is respectfully traversed.

Claims 6 and 23 depend from amended claims 1 and 18, respectively, and are thus allowable for at least the same reasons. As stated above the combination of Rubino and Coile fails to teach or disclose detecting changes in a status to determine if a frame has been dropped due to a committed information rate or a committed burst size being exceeded. In addition, Shimizu fails to overcome Rubino and Coile's deficiencies. For example, Shimizu merely discusses a customer management system that allows a manufacturer to manage information

regarding purchased network home appliance products. See paragraph [0001]. Therefore, the rejection of these claims should also be withdrawn.

#### **Claim Rejections - 35 U.S.C. §103(a)**

Claims 7 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino in view of Coile and further in view of Haugli. The rejection of these claims is respectfully traversed.

Claims 7 and 27 depend from amended claims 1 and 18, respectively, and are thus allowable for at least the same reasons. As stated above the combination of Rubino and Coile fails to teach or disclose detecting changes in a status to determine if a frame has been dropped due to a committed information rate or a committed burst size being exceeded. In addition, Haugli fails to overcome Rubino and Coile's deficiencies. For example, Haugli merely discusses exchanging data, especially text messages, between a plurality of terminals organized into one or more peer groups. See paragraph [0001]. Therefore, the rejection of these claims should also be withdrawn.

#### **Claim Rejections - 35 U.S.C. §103(a)**

Claims 8, 9, 25, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino in view of Coile and further in view of Bryenton. The rejection of these claims is respectfully traversed.

Claims 8 and 9 depend from amended claim 1 and claims 25 and 26 depend from amended claim 18 and are thus allowable for at least the same reasons. As stated above the combination of Rubino and Coile fails to teach or disclose detecting changes in a status to

determine if a frame has been dropped due to a committed information rate or a committed burst size being exceeded. In addition, Bryenton fails to overcome Rubino and Coile's deficiencies. For example, Bryenton merely discusses multiplexing multiple connections sharing the same performance objects onto one virtual connection and shunting the data through the underlying network infrastructure. See col. 1, lines 47-52. Therefore, the rejection of these claims should also be withdrawn.

### **Claim Rejections - 35 U.S.C. §103**

Claims 10, 16, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubino in view of Coile and further in view of Ashton. The rejection of these claims is respectfully traversed.

Claims 10 and 16 depend from amended claim 1 and claim 27 depends from amended claim 18, and are thus allowable for at least the same reasons. As stated above the combination of Rubino and Coile fails to teach or disclose detecting changes in a status to determine if a frame has been dropped due to a committed information rate or a committed burst size being exceeded. In addition, Ashton fails to overcome Rubino and Coile's deficiencies. For example, Ashton merely discusses a packet network management system which cooperates with a plurality of management information vectors. See col. 2, lines 65-67. Therefore, the rejection of these claims should also be withdrawn.

### **Conclusion**

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after

this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(404) 954-5064

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/Alton Hornsby III/  
Alton Hornsby III  
Reg. No. 47,299

